

## Message Text

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ORIGIN L-03

INFO OCT-01 EUR-25 EA-11 IO-14 ISO-00 AF-10 ARA-16 NEA-11

RSC-01 ACDA-19 CIAE-00 DODE-00 PM-07 H-03 INR-10

NSAE-00 NSC-10 PA-04 PRS-01 SPC-03 SS-20 USIA-15

SAM-01 OIC-04 SCS-03 SCA-01 DPW-01 CU-04 SCI-06 SAJ-01

SAB-01 /206 R

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APPROVED BY L/OES;RJBETTAUER

L:GHALDRICH (SUBS)

L/T:SNILSEN (DRAFT)

EUR/CE: MR.BEKER

EA/VN: MR. WENZEL (DRAFT)

IO/UNP:WHEWITT

L/EA:EG VERVILLE (DRAFT)

IO/UNP - MR. SCHALLER

EA: MR STEARNS (SUBS)

----- 038245

R P 011748Z FEB 74

FM SECSTATE WASHDC

TO AMEMBASSY SAIGON

INFO AMEMBASSY LONDON PRIORITY

AMEMBASSY BERN

USMISSION GENEVA

USMISSION USUN NEW YORK

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PRIORITY TO LONDON ONLY

E.O. 11652: N/A

TAGS: PARM, ICRC, VN

SUBJECT: PRG ACCESSION TO GENEVA CONVENTIONS AND FEBRUARY

1974 DIPLOMATIC CONFERENCE ON LAW OF WAR.

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LONDON FOR ALDRICH (DELIVER OPENING OF BUSINESS 2/2/74)

1. DEPARTMENT RECEIVED TELEGRAM DIRECTLY FROM SWISS FOREIGN MINISTRY INFORMING US THAT GOS HAD RECEIVED LETTER FROM PRG INFORMING GOS OF PRG ACCESSION TO FOUR GENEVA CONVENTIONS OF 1949 FOR PROTECTION OF WAR VICTIMS, WITH CERTAIN RESERVATIONS. IN ACCORDANCE WITH CERTAIN PROVISIONS OF CONVENTION, ACCESSION WAS TO TAKE EFFECT IMMEDIATELY. SEPARATE NOTE FROM SWISS FEDERAL POLITICAL DEPARTMENT SAID: "IN TAKING NOTE OF THIS ACCESSION, THE SWISS GOVERNMENT, AS A PARTY TO THE GENEVA CONVENTIONS, IN THE SAME CAPACITY AS OTHERS, DOES NOT MEAN TO TAKE A POSITION ON THE INTERNATIONAL STATUS OF THE PROVISIONAL REVOLUTIONARY GOVERNMENT OF THE REPUBLIC OF SOUTH VIET NAM." FULL TEXT OF INFORMAL TRANSLATION OF TELEGRAM CONTAINING PRG LETTER AND SWISS NOTE IS TRANSMITTED PARAGRAPH 6 BELOW.

2. DEPARTMENT IS IN PROCESS OF REVIEWING MATTER AND PREPARING REPLY TO SWISS TELEGRAM.

3. GOS HAS CONVENED DIPLOMATIC CONFERENCE SCHEDULED FOR FEBRUARY 20 TO MARCH 29 AT GENEVA TO CONSIDER TWO

ADDITIONAL PROTOCOLS TO 1949 GENEVA CONVENTIONS. GOS INVITATIONS, SENT OUT LAST SUMMER, SAID ALL PARTIES TO GENEVA CONVENTIONS AS WELL AS ALL MEMBERS OF UN WOULD BE INVITED TO CONFERENCE.

4. SWISS EMBASSY CALLED DEPARTMENT FEBRUARY 1 TO INFORM USG THAT GOS DOES NOT REPEAT NOT INTEND TO INVITE PRG TO DIPLOMATIC CONFERENCE. SWISS SAID: "CONCERNING THE PARTICIPATION OF THE PRG IN THE DIPLOMATIC CONFERENCE ON INTERNATIONAL HUMANITARIAN LAW, THE SWISS AUTHORITIES, NOTING THAT THERE ARE DIFFERENT VIEWS ON THE INTERNATIONAL STATUS OF THE PRG, CONSIDER THAT, AS THE HOST COUNTRY OF THE CONFERENCE, THEY DO NOT HAVE THE AUTHORITY TO INVITE THE PRG. THE DECISION TO INVITE CAN ONLY BE TAKEN, IN THE VIEW OF THE SWISS AUTHORITIES, BY THE CONFERENCE ITSELF."

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5. DEPARTMENT EXPECTS THAT GVN HAS RECEIVED ITS OWN COPY OF TELEGRAM FROM GOS. HOWEVER, YOU SHOULD BRING THIS MATTER TO THEIR ATTENTION TO MAKE SURE THEY HAVE FOCUSED ON THIS DEVELOPMENT. AFTER CONSULTING WITH GVN, WE WOULD APPRECIATE YOUR VIEWS AS SOON AS POSSIBLE AS TO HOW WE SHOULD DEAL WITH PROBLEM OF POSSIBLE INVITATION TO PRG BY CONFERENCE ON LAW OF WAR. ONE OPTION WOULD BE TO QUIETLY ACCEPT PRG PRESENCE, IN VIEW OF HUMANITARIAN

NATURE OF CONFERENCE, ALTHOUGH IT QUITE APPARENT THAT PRG MOTIVES FOR ACCESSION ARE POLITICAL AND NOT HUMANITARIAN. ALTERNATIVELY, WE COULD SEEK TO FIGHT PRG ACCREDITATION ALTHOUGH THIS COULD BRING COUNTER CHALLENGE TO GVN CREDENTIALS (WHICH MAY OCCUR IN ANY EVENT) WHICH WE COULD NOT BE CONFIDENT OF WINNING.

6. BEGIN TEXT OF TELEGRAM(DATED BERN, JANUARY 18):  
"BY LETTER OF OCTOBER 31, 1973, ADDRESSED TO THE PRESIDENT OF THE SWISS CONFEDERATION, RECEIVED ON DECEMBER 3, 1973, THE MINISTRY OF FOREIGN AFFAIRS OF THE PROVISIONAL REVOLUTIONARY GOVERNMENT OF THE REPUBLIC OF VIET NAM INFORMED HIM OF ITS GOVERNMENT'S ACCESSION TO THE FOUR GENEVA CONVENTIONS OF AUGUST 12, 1949 FOR THE PROTECTION OF WAR VICTIMS:

1. CONVENTION FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED AND SICK IN ARMED FORCES IN THE FIELD;

2. CONVENTION FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED, SICK AND SHIPWRECKED MEMBERS OF ARMED FORCES AT SEA;

3. CONVENTION RELATIVE TO THE TREATMENT OF PRISONERS OF WAR;

4. CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR.

ACCORDING TO A REQUEST MADE ON DECEMBER 28, 1973 BY THE PROVISIONAL REVOLUTIONARY GOVERNMENT, WHICH REFERRED TO ARTICLES 62, 61, 141, AND 157, RESPECTIVELY OF THE AFOREMENTIONED CONVENTIONS, ITS ACCESSION WAS TO TAKE LIMITED OFFICIAL USE

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EFFECT IMMEDIATELY.

THE DECLARATION OF ACCESSION WAS ACCCOMPANIED BY THE FOLLOWING RESERVATIONS:

CONVENTION I, REGARDING ARTICLE 10:

'THE PROVISIONAL REVOLUTIONARY GOVERNMENT OF THE REPUBLIC OF SOUTH VIET NAM DOES NOT RECOGNIZE AS LEGAL A REQUEST MADE BY THE DETAINING POWER EITHER TO A NEUTRAL COUNTRY OR TO A HUMANITARIAN ORGANIZATION UNLESS THE STATE OF WHICH THE WOUNDED AND SICK IN ARMED FORCES IN THE FIELD ARE NATIONALS HAS APPROVED THIS REQUEST IN ADVANCE.'

CONVENTION II, REGARDING ARTICLE 10:

'THE PROVISIONAL REVOLUTIONARY GOVERNMENT OF THE REPUBLIC OF SOUTH VIET NAM DOES NOT RECOGNIZE AS LEGAL A REQUEST MADE BY THE DETAINING POWER TO A NEUTRAL COUNTRY OR TO A HUMANITARIAN ORGANIZATION TO UNDERTAKE THE FUNCTIONS PERFORMED BY PROTECTING POWERS UNLESS THE STATE OF WHICH THE WOUNDED, SICK AND SHIPWRECKED MEMBERS OF ARMED FORCES AT SEA ARE NATIONALS HAS APPROVED THIS REQUEST IN ADVANCE.'

CONVENTION III, REGARDING ARTICLE 4:

'THE PROVISIONAL REVOLUTIONARY GOVERNMENT OF THE REPUBLIC OF SOUTH VIET NAM DOES NOT RECOGNIZE THE "CONDITIONS" PROVIDED FOR UNDER PAR. 2 OF THIS ARTICLE CONCERNING "MEMBERS OF OTHER MILITIAS AND MEMBERS OF OTHER VOLUNTEER CORPS, INCLUDING THOSE OF ORGANIZED RESISTANCE MOVEMENTS BECAUSE THESE CONDITIONS ARE NOT APPROPRIATE FOR THE CASES OF PEOPLE'S WARS IN THE WORLD TODAY."

CONVENTION III, REGARDING ARTICLE 10:

'THE PROVISIONAL REVOLUTIONARY GOVERNMENT OF THE REPUBLIC OF SOUTH VIET NAM DOES NOT RECOGNIZE AS LEGAL A REQUEST MADE BY THE DETAINING POWER EITHER TO A NEUTRAL COUNTRY OR TO A HUMANITARIAN ORGANIZATION TO UNDERTAKE THE FUNCTIONS PERFORMED BY PROTECTING POWERS UNLESS THE STATE LIMITED OFFICIAL USE

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OF WHICH THE PRISONERS OF WAR ARE NATIONALS HAS APPROVED THIS REQUEST IN ADVANCE.'

CONVENTION III, REGARDING ARTICLE 12:

'THE PROVISIONAL REVOLUTIONARY GOVERNMENT OF THE REPUBLIC OF SOUTH VIET NAM DECLARES THAT THE TRANSFER OF PRISONERS OF WAR BY THE DETAINING POWER TO A POWER WHICH IS A PARTY TO THE CONVENTION DOES NOT RELEASE THE DETAINING POWER FROM ITS RESPONSIBILITY FOR THE APPLICATION OF THE CONVENTION.'

CONVENTION III, REGARDING ARTICLE 85:

'THE PROVISIONAL REVOLUTIONARY GOVERNMENT OF THE REPUBLIC OF SOUTH VIET NAM DECLARES THAT PRISONERS OF WAR PROSECUTED AND CONVICTED FOR CRIMES OF AGGRESSION, CRIMES OF GENOCIDE, WAR CRIMES, OR CRIMES AGAINST HUMANITY IN ACCORDANCE WITH THE PRINCIPLES OF THE NUREMB  
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## Message Attributes

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